

1 **David W. Criswell**, OSB No. 925930
2 dcriswell@balljanik.com
3 BALL JANIK LLP
4 101 SW Main Street, Suite 1100
5 Portland, Oregon 97204-3219
6 Phone: 503-228-2525
7 Fax: 503-295-1058
8 Attorneys for PremierWest Bank
9
10
11

12
13
14
15
16
17
18
19
20
21
22
23
24
25

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON**

In re

Pioneer Village Investments, LLC, an
Oregon limited liability company,

Debtor.

Case No. 10-62852-fra11

**MOTION OF PREMIERWEST BANK
FOR ORDER FIXING PARALLEL
TIMELINES FOR COMPETING PLANS
OF REORGANIZATION**

PremierWest Bank (“PremierWest”) respectfully moves the Court for an order which
fixes parallel scheduling timelines for the First Amended Plan of Reorganization filed by the
Debtor (Doc. #83) and the Creditor’s Plan of Reorganization filed by PremierWest (Doc #102).

The Debtor has filed a First Amended Plan of Reorganization dated as of October 12,
2010 (the “Debtor’s Plan”). The Court has set a hearing on December 9, 2010, to consider the
adequacy of the Debtor’s First Amended Disclosure Statement which will accompany the
Debtor’s Plan.

On November 24, 2010, PremierWest filed a Creditor’s Plan of Reorganization (the
“PremierWest Plan”)¹ and accompanying Disclosure Statement. The Court will be in due course

¹ Because the Debtor did not file a plan of reorganization within 120 days of the petition date or file
within such time a motion for extension of the exclusive period, the Debtor lost the exclusive right to file
a plan of reorganization. 11 U.S.C. § 1121(c)(2).

1 setting a hearing on the PremierWest Disclosure Statement.

2 The Court should set parallel timelines for the plan process on both the Debtor's Plan and
3 the PremierWest Plan. Creditors should be given an opportunity to vote on both Plans and
4 express a preference for one Plan, and the Court should consider confirmation of the competing
5 Plans at the same time. In re Henry Mayo Newhall Memorial Hospital, 282 B.R. 444, 453 (9th
6 Cir. BAP 2002) ("It is, for example, common for competing plans to be placed on the same
7 schedule so that they may be considered in tandem"). See also Official Form 14 (approved form
8 of ballot for chapter 11 plan provides a creditor an opportunity to indicate a preference between
9 competing plans); 11 U.S.C. § 1129(c) (Court may only approve one plan).

10 The interests of creditors and judicial economy will be served by placing both Plans on
11 the same timeline so that they may be considered in tandem.

12 WHEREFORE, PremierWest requests entry of an order placing the Debtor's Plan and
13 Disclosure Statement on the one hand and the PremierWest Plan and Disclosure Statement on the
14 other hand on parallel tracks so that such Disclosure Statements and Plans may be considered by
15 the Court and creditors at the same time under Section 1129 of the Bankruptcy Code.

16 DATED: December 2, 2010 BALL JANIK LLP

17 By: /s/ David W. Criswell
18 David W. Criswell, OSB No. 925930

19 Attorneys for PremierWest Bank
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

I hereby certify that I served copies of the foregoing **MOTION OF PREMIERWEST BANK FOR ORDER FIXING PARALLEL TIMELINES FOR COMPETING PLANS OF REORGANIZATION** on the following parties **by CM/ECF**:

- DOUGLAS P CUSHING doug.cushing@jordanschrader.com,
deborah.soloway@jordanschrader.com;Litparalegal@jordanschrader.com
- JENNIFER L PALMQUIST jlpalmquist@nwlawfirm.com
- MATTHEW SUTTON msutt@uci.net
- US Trustee, Eugene USTPRegion18.EG.ECF@usdoj.gov
- CAROLYN G WADE carolyn.g.wade@doj.state.or.us
- C CASEY WHITE ckcwhite@msn.com

and on the following parties by **mailing** a full, true and correct copy in a sealed first-class postage prepaid envelope, addressed to the parties listed below, and deposited with the United States Postal Service at Portland, Oregon on the date set forth below:

Susan Casto
888 Twin Creeks Crossing
Central Point, OR 97502

Peggy P. Eccles Revocable Living Trust
c/o Melvin D. Ferguson
541 Walnut Ave
Klamath Falls, OR 97601

Irene Kartsounis
c/o Matthew Sutton Attorney
205 Crater Lake Avenue
Medford, OR 97504

Janice LaMoree
895 N 5th Street #B110
Jacksonville, OR 97530

Henry C. Winsor
1601 Veranda Park Dr #2
Medford, OR 97504

DATED: December 2, 2010

/s/ Stuart Wylen
Stuart Wylen, Legal Secretary